

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 13-10200-GAO

UNITED STATES OF AMERICA

v.

DZHOKHAR A. TSARNAEV,
Defendant.

JURY MANAGEMENT AND TRANSPORTATION ORDER

[UNDER SEAL]

March 3, 2015

O'TOOLE, D.J.

In order to help (1) ensure the defendant's Sixth Amendment right to a fair trial by minimizing the risk of juror exposure and contamination and by permitting jurors to bypass the media and security presence near the front entrance of the courthouse; (2) protect juror privacy to the extent possible during the course of the proceedings; and (3) permit trial to proceed expeditiously, it is hereby ORDERED that:

1. The United States Marshal Service ("USMS") shall make arrangements for the daily transportation of the jurors selected to hear this case to and from the John Joseph Moakley United States District Courthouse (the "courthouse").
2. During their assembly at designated locations, their transportation to and from the courthouse, and their presence in the courthouse, the jurors shall be in the custody of the United States Marshal for this District and/or his designees. Jurors will utilize a

nonpublic elevator in the building and lunch shall be provided in the designated jury room.¹

3. The USMS shall make certain that there is no overlap during the unloading, loading, screening, or courthouse movement between jurors and any victims, witnesses, or other trial participants who may enter the courthouse via similar arrangements.
4. USMS personnel shall not converse with the jurors except as may be necessary in carrying out the obligations imposed by this Order. In no event shall USMS personnel comment upon any person, including the defendant, any witness, the lawyers for any party, or the Court, or upon any issue in this case while in the presence of any juror.
5. The USMS shall make certain that no juror has any unauthorized contact with any person in the courthouse.
6. In accordance with the District's customary policy of prohibiting cellular phones and other electronic devices in the courthouse with some limited exceptions, the USMS shall take custody of cellular phones and other electronic devices in the morning and return them to jurors at the completion of each day. Jurors will be allowed use of their cellular phones and other electronic devices during the lunch period, subject to the restrictions on use imposed to protect the integrity of the trial.
7. The USMS shall maintain appropriate records concerning the discharge of responsibilities under this Order, including a record of assignments and duty stations.
8. This Order may be modified or amended at any time by the Court.

¹ When the jurors are not in the trial courtroom, which of course has no windows, they will be in the designated jury room. Consistent with Court's typical practice, the shades in the jury room shall be shut.

9. The Clerk shall transmit copies of this Order to the District's Jury Administrator and to the United States Marshal for this District.²

/s/ George A. O'Toole, Jr.
United States District Judge

² Both parties were notified of the transportation and lunch arrangements in December 2014 and March 2015. Neither party objected. The Court will instruct the jurors regarding the arrangements in a neutral way to prevent the jury from drawing any negative inference against the defendant or infringe on his right to maintain a presumption of innocence. In particular, the Court will inform the jurors that the arrangements are being made to safeguard their privacy during the proceedings, protect them from being tainted by exposure to and potential contact from the media and the curious, and permit trial to proceed expeditiously.